

**Remarks/Arguments:**

The Examiner indicates in the Office Action that claims 31 and 32 are pending. Applicants submit however, that claims 28-31 were previously cancelled in a Supplemental Preliminary Amendment filed June 21, 2002, and claims 32 and 33 have been added. The Examiner further indicates in the Office Action claims 31 and 32 were rejected under 35 U.S.C. § 103 (a) as being anticipated by John et al. and Fite et al. Applicants assume however, that this rejection was intended by Examiner to reject claims 32 and 33.

Claim 32 is amended to include an optical disk,

...a barcode pattern formed by a laser **over** said track,

wherein said barcode pattern has a plurality of bars, **each bar extending in a radial direction**. (Emphasis added).

Basis for these amendments may be found in Figure 1 (584c) and Figure 13B (584x). With regard to claim 32, neither John et al., Fite et al., nor their combination disclose or suggest a barcode pattern having a plurality of bars with each bar extending in a radial direction. In John et al., the widths of the pattern formed by the tracks forms the barcode. (Col. 2, line 53-55 and Fig. 1). As shown at Figure 1 of John et al., each bar is circumferential in shape and does not extend in a radial direction. Thus John et al. does not disclose or suggest a barcode pattern having a plurality of bars with each bar extending in a radial direction.

Fite et al. teaches a machine-readable serial number formed on a CD-ROM by using a laser to selectively remove a reflective layer from the CD-ROM. Fite et al. does not however, disclose or suggest a barcode pattern of any kind. Thus Fite et al. does not disclose or suggest a barcode pattern having a plurality of bars with each bar extending in a radial direction.

Applicant's claimed feature of a barcode pattern having a plurality of bars with each bar extending in a radial direction is advantageous over the prior art because the barcode grooves are used to identify separate mark numbers located along the track, as shown at Figure 13B of the present invention. As shown in Fig. 13B, for

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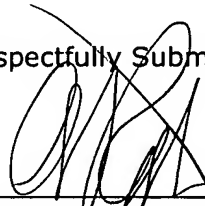
example, mark No. 1 has marks over tracks A2, A8 and A18. These mark numbers are used to help identify pirated discs.

Because neither John et al., Fite et al., nor their combination disclose or suggest the features of claim 32, claim 32 is not subject to rejection under 35 U.S.C. § 103(a) in view of John et al., Fite et al.

With regard to claim 33, claim 33, while not identical to claim 32, includes features similar to those set forth above with regard to claim 32. Thus, claim 33 is also allowable over the art of record for reasons similar to those set forth above with regard to claim 32.

In view of the foregoing amendments and remarks, this Application is in condition for allowance which action is respectfully requested.

Respectfully Submitted,



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Enclosures: Status And Support Of Claims Appendix

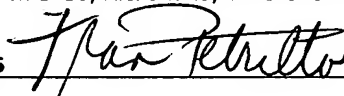
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